

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GLENN QUANTZ,

Plaintiff,

v.

GARY EDWARDS,

Defendant.

Case No. C04-5737RJB

FIRST ORDER ON
MOTIONS *IN LIMINE*

This matter comes before the court on Plaintiff's Motions *in Limine* (Dkt. 148) and on Defendants' Motions *in Limine* to Exclude Evidence in Argument (General) (Dkt. 141). The court is familiar with the records and files herein and all documents filed in support of and in opposition to the motions.

The court cannot pre-try all evidentiary issues in a case before trial, and in this case the court is faced with a flood of motions *in limine*, not all of which can be accurately addressed before trial. In regard to many of the motions *in limine* in this case, there is no showing of specifically what evidence will, or may, be offered. The court also notes that the events of trial may change preliminary rulings. For example, something that is not admissible under ordinary circumstances might be admissible for a limited purpose such as impeachment. The rulings herein may be further honed at the pretrial conference and at trial.

The parties should note that the denial of a motion *in limine* does not indicate that the challenged evidence is admissible, nor does the granting of a motion *in limine* indicate that evidence will not be admitted if the events of the trial demonstrate that the ruling *in limine* needs to be modified.

With those caveats, which apply to the motions *in limine* referenced herein and all other motions *in limine* presented to the court in this case, the court now ORDERS as follows:

The parties, their attorneys and witnesses shall not directly or indirectly mention, refer to, or attempt to convey to the jury in any manner any of the facts and arguments indicated below without first obtaining the permission of the court, outside the presence and hearing of the jury, and further, that counsel is instructed to warn and caution their clients and witnesses to follow any order entered by the court in connection with motions *in limine*.

Referring to Plaintiff's Motions *in Limine* (Dkt. 148), as they are numbered in the motion, the court now ORDERS as follows:

The following Motions *in Limine* are GRANTED: 1 through 8
13
17

The following Motions *in Limine* are DENIED: 9 through 12
14 through 16
18 through 24

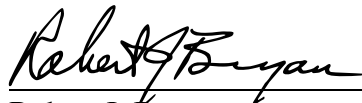
Referring to Defendants' Motions *in Limine* to Exclude Evidence and Argument (General) (Dkt. 141), as they are designated in the motion, the court now ORDERS as follows:

The following Motions *in Limine* are GRANTED: A through F
H through L

The following Motion *in Limine* is DENIED: G

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

DATED this 7th day of February, 2006.


Robert J. Bryan
United States District Judge